

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MICAH D. STERN,

Petitioner,

-vs-

Case No. 13-C-1376

**MICHAEL D. DITTMANN, Warden,
Redgranite Correctional Institution,**

Respondent.

DECISION AND ORDER

After an initial review, the Court set a briefing schedule on Micah Stern's petition for a writ of habeas corpus. Stern now moves for reconsideration or clarification, arguing that the Court should direct the respondent to answer first, and then set a briefing schedule later.

The Court disagrees with Stern's premise that the applicable rules *require* an answer before consideration of the merits. Rule 4, Rules Governing Section 2254 Cases ("If the petition is not dismissed, the judge must order the respondent to file an answer, motion, *or other response* within a fixed time . . ."); Rule 5(a) ("The respondent is not required to answer the petition unless a judge so orders"). Moreover, the Clerk effects service in every case, not just when the Court directs the respondent to file an answer. Rule 4 ("*In every case*, the clerk must serve a copy of the petition and any order on the respondent and on the attorney general or other appropriate officer of the state involved"). That said, the Court will defer to Stern's apparent

belief that the Court will need the materials provided by an answer before issuing a decision.

Therefore, Stern's motion for reconsideration [ECF No. 6] is **GRANTED**.

The case will proceed as follows:

- Respondent's answer: **January 31, 2014**
- Petitioner's amended memorandum: **February 21, 2014**
- Response to amended memorandum: **March 21, 2014**
- Petitioner's reply: **April 4, 2014**

Dated at Milwaukee, Wisconsin, this 16th day of December, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge